IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1608 OF 2006.

Bhiva Changdev Jadhwar. ... Petitioner.
V/s.

Arjun Changdev Jadhwar
and others. ... Respondents.

D.B.Lonkar for the petitioner.

CORAM: V.C.DAGA, J.

DATED: 16th March 2006.

P.C.:

. On the motion made by learned counsel for the petitioner, petitioner is allowed to withdraw this petition. Petition is dismissed as withdrawn with no order as to costs.

. However, it is made clear that in view of the law laid down by this Court in the case of **Shah Babulal Khimji v. Jayaben D. Kenia**, AIR 1981 SC 1786 (para-107, 109), it would be open for the petitioner to challenge the impugned order if, ultimately, petitioner suffers adverse order and is required to challenge the same before higher forum. In that event, this order of dismissal shall not come in his way. All rival contentions are kept open.

. With this clarification, petition is dismissed as withdrawn with no order as to costs.

(V.C.DAGA, J.)